

A G E N D A



Recommendation for Council Action

Austin City Council	Item ID	25320	Agenda Number	15.
Meeting Date:	6/20/2013		Department:	Human Resources
Subject				
<p>Approve a resolution amending to the City personnel policies, Section III.B.1.c, relating to FMLA including the establishment of a new Parental Leave Benefit and insertion of language that aligns City policy with Federally Mandated Military Exigency and Military Caregiver requirements.</p>				
Amount and Source of Funding				
<p>Funding in the amount of \$321,434 will be available in the Fiscal Year 2013-2014 Operating Budget of various City departments.</p>				
Fiscal Note				
<p>A fiscal note is attached.</p>				
Purchasing Language:				
Prior Council Action:	June 6, 2013 - Council approved resolution.			
For More Information:	Mark Washington, Human Resources Director / 974-3202 Ed Van Eenoo, Deputy Chief Financial Officer/ 974-2638			
Boards and Commission Action:				
MBE / WBE:				
Related Items:				
Additional Backup Information				
<p>Council's Resolution, passed June 6, 2013, directed the City Manager to develop an amendment to City personnel policies providing non-civil service employees with 30 days of paid parental leave for the birth or adoption of a child after all accrued sick and vacation leave has been exhausted.</p> <p>In response, staff reviewed personnel policies, and developed proposed changes. Moreover, the Budget Office analyzed several scenarios based on direction from the dais on June 6, 2013 and included their analysis in a separate memorandum to Mayor and Council. The Director of Human Resources is recommending a Parental Leave benefit with the creation of a 30 workday paid leave policy for new parents to coincide with the eligibility period for the Family Medical Leave Act (FMLA).</p> <p>The proposed Parental Leave benefit includes the following:</p>				

Paid parental leave can be used after exhausting accrued leave benefits, as eligible per personnel policies. Parental Leave is available to mothers and fathers for the birth of the employee's child and the placement of a child with the employee for adoption or foster care without regard to the marital status or sexual orientation of the parenting individual. All employees in regular budgeted positions that qualify for FMLA leave can utilize the Parental Leave except those employees whose terms and conditions of employment with the City are negotiated through a collective bargaining agreement or a meet and confer agreement.

The paid parental leave benefit is up to 30 working days for a maximum of 240 hours (six weeks) for employees scheduled to work 40 hours per work week.

Parental Leave must be taken within the FMLA period associated with the date of the birth or placement of a child for adoption or foster care. Employees are not entitled to take parental leave intermittently or on a reduced leave schedule unless approved by their Department Director.

In reviewing the Personnel Policies, staff determined that updates to the policy on Family and Medical Leave are needed. The proposed changes will align City policy with the federal laws covering any Military Qualifying Exigency and Military Caregiver Leave.

The proposed amendment would include the following:

Military Qualifying Exigency (Federal Law currently effective but not stated in policy)

i. for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation as a military member in National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces.

Military Caregiver Leave (Federal Law currently effective but not stated in policy)

i. Up to twenty-six (26) workweeks of leave consisting of unpaid leave, and when requested and appropriate, accrued sick and/or vacation leave for a combined total of up to 26-weeks during a single rolling forward 12-month period on the date the military caregiver leave is first used. Military Caregiver FMLA can be used:

- To care for a covered service member, who is a current member of the Regular Armed Forces, National Guard or Reserves, with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee (military caregiver leave);
- For the employee, who is a veteran, undergoing medical treatment, recuperation, or therapy for serious injury or illness that occurred at any time during the five years preceding the date of the treatment.